

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PENN, Laurence Richard

SERIAL NO.: 10/733,163

ART UNIT: 3745

FILED: December 11, 2003

EXAMINER: Lazo, T.E.

TITLE: METERING DEVICE

AMENDMENT "B"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of August 30, 2005, a response being due by November 30, 2005, please consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 24 - 36 have been canceled and new Claims 37 - 49 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application in what is to be believed is a proper condition for allowance.

In the Office Action, the Examiner has only rejected Claim 24 as being anticipated by the Demers patent. In particular, the Examiner has indicated that "the rotary spool valve of Demers et

al. contains a rotary spool that slides within a bore in a rotary fashion and therefore constitutes a spool that is slidingly received in the bore.”.

In reply to the Official Action, Applicant has entered a relatively minor amendment into the language of previous independent Claim 24, now in the form of new independent Claim 37. In particular, so as to distinguish the present invention from the rotary spool valve of the Demers patent, Applicant has defined the spool valve as “having a cylindrical spool axially slidingly received within a cylindrical bore”. All of the remaining elements of previous independent Claim 24 are present in new Claim 37. Applicant believes that this language serves to place independent Claim 24, now in the form of independent Claim 37, into a proper condition for allowance.

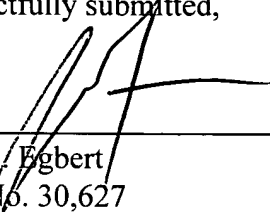
Applicant respectfully disagrees that the term “sliding” is an appropriate term for “rotational movement”, as suggested by the Examiner. However, so as to avoid any dispute over the meaning over the meaning of such a term, Applicant believes that the intention of the claim presented as independent Claim 24 in the previous Amendment “A” was to indicate that the spool valve of the present invention is a valve which moves axially within its own bore. The specification indicates that there is a cylindrical spool housing which defines a cylindrical bore (see paragraph [0038]). The specification indicates that a spool is provided within the cylindrical spool housing bore and the spool is described in paragraph [0041] as comprising four cylindrical sections. As such, the spool is defined as having a “cylindrical” spool which is “axially” slidably received within a “cylindrical” bore. As such, this a clear tangible difference between that of the language of the present invention and the teaching of the prior art Demers patent. On this basis, Applicant respectfully contends that independent Claim 37 is not anticipated by the Demers patent. Dependent Claims 38 - 49 correspond, identically, to the language found in previous dependent Claims 25 - 36, respectively.

Based upon the foregoing analysis, Applicant contends that independent Claim 37 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 37 should also be in proper condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since the present Amendment "B" is in reply to a "final" rejection, Applicant respectfully requests an Advisory Action at an early date if the Examiner should determine that present claims do not place the application into a proper condition for allowance.

Respectfully submitted,

Date

9-29-05



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